IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 2396 of 2007

HONOURABLE MR.JUSTICE KS JHAVERI

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RAMESH VAGHJIBHAI DESAI & 2 - Applicant(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR ASHISH M DAGLI for Applicant(s) : 1 - 3.
MR UR BHATT, APP, for Respondent(s) : 1,
MR CB RAVAL for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 07/03/2007

ORAL JUDGMENT

1. Rule. Mr U.R. Bhatt, learned APP, and Mr. C.B. Raval, learned Advocate, waive service of rule on behalf of respondent nos.1 and 2. At the joint request the matter is taken up for hearing today.

2. The petitioner has prayed to quash and set aside the complaint being C.R. No.I-653 of 2002 with Ellisbridge Police Station, for the alleged commission of offences punishable under sections 365, 395, 504, 323 and 506(2) of IPC read with section 135(1) of Bombay Police Act.

3. An affidavit has been filed by respondent no.2 herein wherein he has stated that the dispute between the parties is resolved and there is no surviving grievance. He has also stated that the complain qua the petitioners may be quashed.

3. In the case of Rajeshbhai Natvarlal Agarwal and others V. State of Gujarat and Another, reported in 2005(3) GLH 504 it is held that it would not be just or proper nor it would be in the interest of justice to compel the parties to face trial despite there being settlement.

4. In view of the settlement between the parties, in view of the above decision in the case of Rajeshbhai Natvarlal Agarwal (supra), I am of the view that it would not be in the interest of justice to proceed against the accused and therefore the complaint is required to be quashed.

5. Accordingly this application is allowed. The complaint being C.R. No.I-653 of 2002 registered with Ellisbridge Police Station, for the alleged commission of offences punishable under sections 365, 395, 504, 323 and 506(2) of IPC read with section 135(1) of Bombay Police Act is hereby quashed and set aside. Rule is made absolute accordingly.

[K.S. JHAVERI, J.]

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